

YWCA IS ON A MISSION

Patricia McDonald

YWCA Dayton

Ohio House Criminal Justice Committee
H.B. 161 Proponent Testimony – June 6, 2023

Chair Abrams, Vice Chair Williams, Ranking Member Brown, and members of the House Criminal Justice Committee, thank you for the opportunity to provide proponent testimony on House Bill 161, which would eliminate the spousal exception for certain sex offenses.

My name is Patricia McDonald and I am the Interim President & CEO for YWCA Dayton. There are 13 YWCAs in Ohio and we are driven by a mission to eliminate racism, empower women, and support women who are survivors of gender-based violence.

YWCA Dayton provides 24/7, year-round shelter and supportive services for survivors of domestic violence, sexual assault, human trafficking, and other forms of intimate-partner and gender-based violence. In 2022, YWCA Dayton's domestic violence services sheltered 262 women and children; provided 14,164 nights of stay in shelter; and answered 6,751 crisis calls.

According to the Rape, Abuse & Incest National Network (RAINN), 14% of women report being raped by their spouse. Because of underreporting, this number is likely much higher. Research also indicates that women impacted by spousal rape are much more likely to be raped multiple times with as many as one third reporting being raped more than 20 times. This causes long lasting and severe psychological injuries. Because of antiquated laws, spousal rape is not illegal in many cases and these women are unable to receive justice.

Sponsored by Representatives Miranda and Hillyer, House Bill 161 closes a loophole in Ohio law that allows rape, sexual battery, unlawful sexual conduct with a minor, or sexual imposition of a spouse if the spouse lives at the same residence as the offender. Rape by force in a marriage has been illegal in all 50 states since 1993, but these protections do not extend to spouses who are mentally or physically impaired, unconscious, asleep, etc. This includes situations where the offender purposefully administers a drug, intoxicant, or controlled substance for the purpose of preventing resistance. These crimes are currently illegal if partners are unmarried or do not share a residence. Marriage and cohabitation do not provide ongoing permission and should not be an excuse to commit a crime that would otherwise be illegal.

Additionally, House Bill 161 permits a person to testify against their spouse in a prosecution for any of the sexual offenses included in the bill. Because spousal communication is normally protected, this is essential to securing convictions when these cases go to trial.

38 other states have closed spousal rape loopholes and it is time for Ohio to follow suit. In alignment with our mission, YWCA Dayton thus requests that you support the passage of House Bill 161 in support of our organization's service population and domestic violence survivors throughout the state.

Thank you again for allowing me to provide testimony. I can be reached at (937) 461-5550 with any questions.

Sincerely,



Patricia McDonald
Interim President & CEO